

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

FERNANDO LOPEZLENA,

Plaintiff,

v.

LITTON LOAN SERVICE, LP; OCWEN
LOAN SERVICING, LLC,

Defendants.

No. 12-cv-5313 RBL

Order

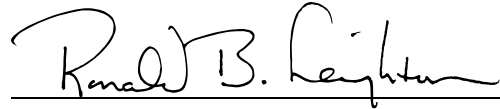
[Dkt. #1]

Before the Court is Plaintiff Fernando Lopezlena's application to proceed *in forma pauperis*. [Dkt. #1]. For the reasons set forth below, the Court grants the application.

A district court may permit indigent litigants to proceed *in forma pauperis* upon completion of a proper affidavit of indigency. *See* 28 U.S.C. § 1915(a). The court has broad discretion in resolving the application, but "the privilege of proceeding *in forma pauperis* in civil actions for damages should be sparingly granted." *Weller v. Dickson*, 314 F.2d 598, 600 (9th Cir. 1963), *cert. denied* 375 U.S. 845 (1963). Moreover, a court should "deny leave to proceed *in forma pauperis* at the outset if it appears from the face of the proposed complaint that the action is frivolous or without merit." *Tripathi v. First Nat'l Bank & Trust*, 821 F.2d 1368, 1369 (9th Cir. 1987) (citations omitted); *see also* 28 U.S.C. § 1915(e)(2)(B)(i). An *in forma pauperis* complaint is frivolous if "it ha[s] no arguable substance in law or fact." *Id.* (citing *Rizzo v. Dawson*, 778 F.2d 527, 529 (9th Cir. 1985); *Franklin v. Murphy*, 745 F.2d 1221, 1228 (9th Cir. 1984)).

1 Here, Plaintiff's application demonstrates income, but that income appears sufficiently
2 offset by his dependents and debts to warrant granting the application. Thus, the Court
3 **GRANTS** the application. [Dkt. #1].
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5 Dated this 8th day of May 2011.
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9 Ronald B. Leighton
10 United States District Judge
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